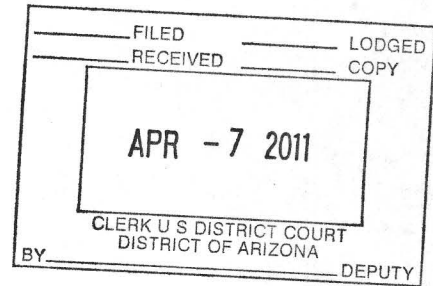


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UNITED STATES DISTRICT COURT  
 DISTRICT OF ARIZONA

United States of America,	)	
	)	CR 11-0342-TUC-RCC(JJM)
Plaintiff,	)	
	)	PLEA AGREEMENT
v.	)	
	)	
Joseph Anthony Norris,	)	
	)	
Defendant.	)	

The United States of America and the defendant agree to the following disposition of this matter:

1. The defendant agrees to plead guilty to the Indictment, which charges the defendant with a felony violation to Title 21, United States Code, Section 841(a)(1), and 841(b)(1)(B(vii) Possession with Intent to Distribute Marijuana.

The elements of the crime are as follows:

- a) The defendant knowingly and intentionally possessed a quantity of marijuana;
- b) The defendant intended to deliver the marijuana to another person;

As a sentencing factor, the government would be required to prove that the quantity possessed was 131 kilograms of marijuana.

///

1           2.     The defendant understands that the maximum penalties for the offense  
2 to which he is pleading is a fine of \$2,000,000.00, a term of life imprisonment with a  
3 mandatory minimum term of five (10) years, or both, and a term of between four (4) years  
4 and lifetime supervised release.

5           3.     The defendant agrees to pay a fine unless the defendant establishes the  
6 applicability of the exceptions contained in § 5E1.2(e) of the Sentencing Guidelines.

7           4.     Pursuant to Title 18, United States Code, Section 3013, the defendant  
8 shall pay a special assessment of \$100.00. The special assessment is due and payable at the  
9 time the defendant enters the plea of guilty, but in no event shall be paid later than the time  
10 of sentencing unless the defendant is indigent. If the defendant is indigent, the special  
11 assessment will be collected according to the provisions of Chapters 227 and 229 of Title  
12 18, United States Code.

13          5.     Pursuant to Title 21, United States Code, Section 862(a), defendant will  
14 not be eligible for either assistance under programs funded under Part A of Title IV of the  
15 Social Security Act (Temporary Assistance for Needy Families) or benefits under the Food  
16 Stamp program. In addition, any benefits to defendant's family under these programs will  
17 be reduced.

18          6.     The defendant recognizes that pleading guilty may have consequences  
19 with respect to his/her immigration status if defendant is not a citizen of the United States.  
20 Under federal law, a broad range of crimes are removable offenses, including the offense(s)  
21 to which defendant is pleading guilty. Removal and other immigration consequences are  
22 the subject of a separate proceeding, however, and defendant understands that no one,  
23 including defendant's attorney or the district court, can predict to a certainty the effect of  
24 defendant's conviction on defendant's immigration status. Defendant nevertheless affirms  
25 that he/she wants to plead guilty regardless of any immigration consequences that this plea  
26 may entail, even if the consequence is defendant's automatic removal from the United  
States.



1  
2           7. Pursuant to Fed. R. Crim. P., Rule 11(c)(1)(C), the government and the  
3 defendant stipulate and agree that the following is an appropriate disposition of this case  
4 (Zone D sentencing options only):

5           70 months imprisonment

6           8. If the Court, after reviewing this plea agreement, concludes any provision  
7 is inappropriate, it may reject the plea agreement, giving the defendant, pursuant to Rule  
8 11(c)(5), Fed. R. Crim.P., giving the defendant, in accordance with Rule 11(d)(2)(A), Fed  
9 R. Crim. P., an opportunity to withdraw defendant's guilty plea.

10           9. The defendant and the government agree that this agreement does not in  
11 any manner restrict the actions of the government in any other district or bind any other  
12 United States Attorney's Office.

13           10. The defendant waives any and all motions, defenses, probable cause  
14 determinations, and objections which the defendant could assert to the information or  
15 indictment, or to the petition to revoke, or to the Court's entry of judgment against the  
16 defendant and imposition of sentence upon the defendant providing the sentence is  
17 consistent with this agreement. The defendant further waives: (1) any right to appeal the  
18 Court's entry of judgment against defendant; (2) any right to appeal the imposition of  
19 sentence upon defendant under Title 18, United States Code, Section 3742 (sentence  
20 appeals); and (3) any right to collaterally attack defendant's conviction and sentence under  
21 Title 28, United States Code, Section 2255, or any other collateral attack. The defendant  
22 acknowledges that this waiver shall result in the dismissal of any appeal or collateral attack  
23 the defendant might file challenging his/her conviction or sentence in this case. If the  
24 defendant files a notice of appeal or a habeas petition, notwithstanding this agreement,  
25 defendant agrees that this case shall, upon motion of the government, be remanded to the  
26 district court to determine whether defendant is in breach of this agreement and, if so, to  
permit the government to withdraw from the plea agreement.

1           11. If the defendant's guilty plea is rejected, withdrawn, vacated, or reversed  
2 by any court in a later proceeding, the government will be free to prosecute the defendant  
3 for all charges as to which it has knowledge, and any charges that have been dismissed  
4 because of this plea agreement will be automatically reinstated. In such event, the  
5 defendant waives any objections, motions, or defenses based upon the Speedy Trial Act or  
6 the Sixth Amendment to the Constitution as to the delay occasioned by the later  
7 proceedings.

8           12. The defendant understands and agrees to cooperate fully with the United  
9 States Probation Office in providing:

10           (A) All criminal history information, i.e., all criminal convictions as  
11 defined under the Sentencing Guidelines.

12           (B) All financial information, i.e., present financial assets or liabilities  
13 that relate to the ability of the defendant to pay a fine or restitution.

14           (C) All history of drug abuse which would warrant a treatment  
15 condition as part of sentencing.

16           (D) All history of mental illness or conditions which would warrant  
17 a treatment condition as part of sentencing.

18           13. Nothing in this plea agreement shall be construed to protect the defendant  
19 from civil forfeiture proceedings or prohibit the United States from proceeding with and/or  
20 initiating an action for civil forfeiture. Further, this agreement does not preclude the United  
21 States from instituting any civil proceedings a may be appropriate now or in the future.

22  
23           WAIVER OF DEFENDANT'S RIGHTS AND FACTUAL BASIS

24           Waiver of Rights

25           I have read each of the provisions of the entire plea agreement with the  
26 assistance of counsel and understand its provisions. I have discussed the case and my  
constitutional and other right with my attorney. I understand that by entering my plea of  
guilty I will be giving up my right to plead not guilty; to trial by jury; to confront, cross-



1 examine, and compel the attendance of witnesses; to present evidence in my defense; to  
2 remain silent and refuse to be a witness against myself by asserting my privilege against  
3 self-incrimination; all with the assistance of counsel; to be presumed innocent until proven  
4 guilty beyond a reasonable doubt; and to appeal.

5 I agree to enter my guilty plea as indicated above on the terms and conditions  
6 set forth in this agreement.

7 I have been advised by my attorney of the nature of the charge to which I am  
8 entering my guilty plea. I have been advised by my attorney of the nature and range of the  
9 possible sentence, and that I will not be able to withdraw my guilty plea if I am dissatisfied  
10 with the sentence the court imposes.

11 My guilty plea is not the result of force, threats, assurance or promises other than  
12 the promises contained in this agreement. I agree to the provisions of this agreement as a  
13 voluntary act on my part, rather than at the direction of or because of the recommendation  
14 of any other person, and I agree to be bound according to its provisions. I agree that any  
15 Sentencing Guidelines range referred to herein or discussed with my attorney is not binding  
16 on the Court and is merely an estimate.

17 I agree that this written plea agreement contains all the terms and conditions of  
18 my plea and that promises made by anyone (including my attorney) that are not contained  
19 within this written plea agreement are without force and effect and are null and void.

20 I am satisfied that my defense attorney has represented me in a competent  
21 manner.

22 I am not now on or under the influence of any drug, medication, liquor, or other  
23 intoxicant or depressant, which would impair my ability to fully understand the terms and  
24 conditions of this plea agreement.

1 Factual basis

2 I further agree that the following facts accurately describe my conduct in  
3 connection with the offense to which I am pleading guilty and that if this matter were to  
4 proceed to trial the government could prove the elements of the offense beyond a  
5 reasonable doubt:

6 On or about December 28, 2011, at or near Three Points, in the District of  
7 Arizona, JOSEPH ANTHONY NORRIS was driving a Chevrolet Silverado that  
8 contained 131 kilograms of marijuana. NORRIS knew the marijuana was in the  
9 vehicle and he intended to be paid to deliver the marijuana to another person.

10 Date

03/30/11

Joseph A. Norris Jr.  
JOSEPH ANTHONY NORRIS  
Defendant

11 DEFENSE ATTORNEY'S APPROVAL

12 I have discussed this case and the plea agreement with my client in detail and  
13 have advised the defendant of all matters within the scope of Rule 11, Fed. R. Crim. P., the  
14 constitutional and other rights of an accused, the factual basis for and the nature of the  
15 offense to which the guilty plea will be entered, possible defenses, and the consequences  
16 of the guilty plea, including the defendant's waiver the right to appeal. No assurances,  
17 promises, or representations have been given to me or to the defendant by the government  
18 or by any of its representatives which are not contained in this written agreement. I concur  
19 in the entry of the plea as indicated above and on the terms and conditions set forth in this  
20 agreement as in the best interests of my client. I agree to make a bona fide effort to ensure  
21 that the guilty plea is entered in accordance with all the requirements of Rule 11, Fed. R.

22 Crim. P.

23 Date

3/30/2011

24 ELIAS DAMINAKOS  
Attorney for Defendant

GOVERNMENT'S APPROVAL

I have reviewed this matter and the plea agreement. I agree on behalf of the United States that the terms and conditions set forth are appropriate and are in the best interests of justice.

DENNIS K. BURKE  
United States Attorney  
District of Arizona

*Robert C. Feller*  
for CRAIG H. RUSSELL  
Assistant U.S. Attorney